



California
Fair Political
Practices Commission

SUPERSEDED

by 93-378

August 4, 1987

Tom Carmody
Aptos Incorporation
Study Group
P.O. Box 485
Aptos, CA 95001

Re: Your Request for Advice
Our File No. A-87-191

4/12

Adrian

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93-378
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Thanks, 

concerning the responsibilities of
Group ("Aptos ISG") under the
of the Political Reform Act

QUESTION

closure requirements for a group of
and makes payments to investigate the
city?

CONCLUSION

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feasibility of incorporating a city
under the Act until the city
ordered to be placed on an

FACTS

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aken to date by Aptos ISG to
incorporation process.

1/Government Code Sections 81000-91015. All statutory
references are to the Government Code unless otherwise indicated.
Commission regulations appear at 2 California Administrative Code
Section 18000, et seq. All references to regulations are to Title
2, Division 6 of the California Administrative Code.



California
Fair Political
Practices Commission

SUPERSEDED

by 93-578

August 4, 1987

Tom Carmody
Aptos Incorporation
Study Group
P.O. Box 485
Aptos, CA 95001

Re: Your Request for Advice
Our File No. A-87-191

Dear Mr. Carmody:

You have requested advice concerning the responsibilities of the Aptos Incorporation Study Group ("Aptos ISG") under the campaign disclosure provisions of the Political Reform Act ("Act").^{1/}

QUESTION

What are the campaign disclosure requirements for a group of persons which solicits funds and makes payments to investigate the feasibility of incorporating a city?

CONCLUSION

A group which receives money and makes payments for the purpose of investigating the feasibility of incorporating a city does not have filing obligations under the Act until the city incorporation proposal has been ordered to be placed on an election ballot.

FACTS

The Aptos ISG is an organization which is investigating the feasibility of city incorporation. The organization is receiving money and making payments related to its investigation of the proposal. No action has been taken to date by Aptos ISG to initiate an official incorporation process.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

ANALYSIS

Incorporation of a city is a multi-staged process which may result ultimately in a ballot measure if the question is ordered to be placed on the ballot by a county board of supervisors. The Commission has determined that preliminary activities related to an incorporation proposal are not reportable under the Act because an:

...incorporation proposal does not become a "measure"...until the Board of Supervisors...orders the proposal placed on the ballot....Reporting obligations relative to contributions received and expenditures made in support of the incorporation proposal do not commence until after that action by the Board of Supervisors.

Fontana Opinion (1987) 2 FPPC Opinions 25


Therefore, Aptos ISG may engage in activities related to incorporation, including research and feasibility studies, without incurring a reporting obligation under the Act, as long as the issue has not been ordered to be placed on an election ballot by the board of supervisors.

Your letter also requested some general advice about the future status of your organization under the disclosure requirements of the Act. Enclosed is a copy of the 1987 "Information Manual on Campaign Disclosure Provisions of the Political Reform Act." In particular you should note that if a proposal to incorporate Aptos is placed on the ballot, and Aptos ISG (or any other group) receives contributions of \$500 or more for purposes of supporting or opposing the ballot measure, then a statement of organization (Form 410) must be filed within 10 days with the Secretary of State, and a copy with the county clerk. (Sections 82013(a), 84101.) Also be aware that if a committee which has qualified under Section 82013 receives something of value, such as research products or public opinion survey results, then the recipient committee may have to report the fair market value of the research or product as a contribution. (Sections 82044, 82015, 82025.5.)

I trust that this information is helpful to you. If you have additional questions, I may be contacted at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

By:  Bruce W. Robeck
Political Reform Consultant

Aptos Incorporation Study Group

Jul 13 8 45 AM '87 July 7, 1987

Mr. Bruce Robeck
Fair Political Practice Commission

Re: Request for advice on group standing.

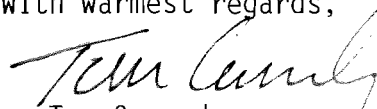
Dear Mr. Robeck:

The Aptos Incorporation Study Group is a broad based spectrum of concerned citizens of our community investigating the feasibility of city incorporation. At this time we are assembling and reviewing data and information believed pertinent to analysing this question. We are just now sending out requests for proposal from professional consultants asking them to bid on a comprehensive feasibility study.

At this time the group is not making a stand or recommendation one way or the other regarding incorporation. We are soliciting funds to pay for the cost of a feasibility study. Our request to you is to get back an opinion on whether or not at this stage we should be on file and in compliance with the requirements of the Fair Political Practice Commission.

We would also appreciate any advice you might have garnered from your experience of the type of status a group such as ours should assume. Thank you in advance for your consideration.

With warmest regards,


Tom Carmody